

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Ivy Mill Road, 250' S of the c/l of
Green Hill Farm Road
(12521 Ivy Mill Road)
4th Election District
3rd Councilmanic District

John H. Bare, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-523-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, John H. and Kim Bare. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (pool house) in the side yard with a height of 21 feet in lieu of the required rear yard location with a height of 15 feet, and to amend the last approved Final Development Plan for Gouline Property, Lot 20 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

ORDER RECEIVED FOR FILING

Date


By

Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of July, 1999 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (pool house) in the side yard with a height of 21 feet in lieu of the required rear yard location with a height of 15 feet, and to amend the last approved Final Development Plan for Gouline Property, Lot 20 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
7/30/99
bjs



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 30, 1999

Mr. & Mrs. John H. Bare
12521 Ivy Mill Road
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Ivy Mill Road, 250' S of the c/l Green Hill Farm Road
(12521 Ivy Mill Road)
4th Election District – 3rd Councilmanic District
John H. Bare, et ux - Petitioners
Case No. 99-523-A

Dear Mr. & Mrs. Bare:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12521 Ivy Mill Rd.
which is presently zoned R.C. 4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND 400.3 TO PERMIT A

PROPOSED ACCESSORY STRUCTURE IN SIDE YARD WITH A HEIGHT OF ~~15 FT.~~ 21 FT.
IN LIEU OF REAR YARD WITH A HEIGHT OF 15 FT. AND TO AMEND THE
LAST APPROVED FINAL DEVELOPMENT PLAN FOR LOT #20 GOULINE PROPERTY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

John H. Bare
Name - Type or Print

John H. Bare
Signature

X Kim Bare
Name - Type or Print

X Kim Bare
Signature

12521 Ivy Mill Rd. 410 833-0392
Address Telephone No.

Riesterstown MD 2136
City State Zip Code

Representative to be Contacted:

John H. Bare
Name

Same
Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By JL Date 6/24/99

Estimated Posting Date 7/1/99

ORDER RECEIVED FOR FILING

Date
By
CASE NO.

REU 9/15/98

201408 1 12521

CHAMBERS TO STATE CLERK

99 523 A

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12501 Ivy Mill Rd.
Address
Reisterstown MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Building couldn't be placed 1" behind back of house. Needed to be beside house

See Attachment (A)

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John H. Bare
Signature

John H. Bare
Name - Type or Print

Kim Bare
Signature

Kim Bare
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John H. Bare and Kim Bare
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6/4/99
Date

Debra A. Ramos
Notary Public

My Commission Expires DEBRA A. RAMOS

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 12521 Ivy Mill Rd.
Address
Reisterstown MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Building couldn't be placed 1" behind back of house. Needed to be beside house.

See Attachment (A)

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John H. Bare
Signature

John H. Bare
Name - Type or Print

Kim Bare
Signature

Kim Bare
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John H. Bare and Kim Bare
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6/4/99
Date

REB 09/15/98

Debra A. Ramos
Notary Public

My Commission Expires DEBRA A. RAMOS
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires April 1, 2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12521 Ivy Mill Rd.
which is presently zoned R.C. 4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 and 400.30 A & B permit a
proposed accessory structure in side yard with a height of 21' in lieu of rear yard
with a height of 15'. And to amend the last approved final development plan for
lot #20 bowline Property.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

John A. Bare
Name - Type or Print

John W. Bare
Signature

x Kim Bare
Name - Type or Print

x Kim Bare
Signature

12521 Ivy Mill Rd. 410 833-0392
Address Telephone No.

Resistertown MD 21316
City State Zip Code

Representative to be Contacted:

John A. Bare
Name

Same
Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

ZONING A APPROVED

CASE NO. 99-523 A

REU 9/15/98

Zoning Commissioner of Baltimore County

Reviewed By Date 6/24/99

Estimated Posting Date 7/1/99

As the photographs show, the pool & deck are already in place in the rear yard. The building could not be attached to the house because of a bay window & aesthetic reasons. It could not be set beside or behind the pool because of either ^{well, septic,} wood line or forest buffer constraints. The building is intended to be a pool house with screened porch. It will have a brick veneer & roof line to match the house/garage.

John A. Bair
6/29/99

P.S. Proposed placement also helps hide/shelter pool pump/filter area.

P.P.S. The maximum height of ^{21' (9A.B.)} is needed to match the roof pitch of the existing garage to be symmetric.

ZONING DESCRIPTION

FOR

12521 Ivy Mill Road

523

Beginning at a point on the ^{E.}South side of Ivy Mill Road which is ⁷⁰~~32~~ feet wide at the distance of 250 feet South of the centerline of the nearest improved intersecting street Green Hill Farm Road which is 80 feet wide. Being Lot # 20, Plat # 2 in the subdivision of Gouline Property as recorded in Baltimore County Plat Book# 65, Folio # 3, containing 6.50 acres. Also known as 12521 Ivy Mill Road and located in the 4th Election District, ^{ZRD}~~5th~~ Councilman District.

6/3/96

99-523-A

A-ES2-PP

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 06996

523

JL # 523

Account R0016150

DATE

6/24/99

ACCOUNT

AMOUNT

\$ 100.00

RECEIVED
FROM:

BARE

FOR:

ADMIN VAR + AMEND FDR

99-523-A

PAID RECEIPT

PROGRESS ACTUAL

6/24/1999 6/24/1999

CASHIER JOKR JOK DRAMER

5 528 ZONING VERIFICATION

Receipt # 077364

CR NO. 069903

Receipt Tot

100.00 CK

Baltimore County, Maryland

100.00

.00 EX

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CERTIFICATE OF POSTING

ADMIN. VAR.

RE. Case No.: 99-523-A

Petitioner/Developer: 12521 IVY MILL, ETAL
c/o L.J. O'KEEFE, ETAL

Date of Hearing/Closing: 7/19/99

Baltimore County Department of
 Permits and Development Management
 County Office Building, Room 111
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
 were posted conspicuously on the property located at # 12521 IVY MILL RD.

The sign(s) were posted on 6/28/99
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 7/2/99
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



12521 IVY MILL RD
99-523-A 7/19/99

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 523 -A

Address 12521 IVY MILL RD

Contact Person: LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/24/99

Posting Date: 7/4/99 Closing Date: 7/19/99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 523 -A

Address 12521 IVY MILL RD

Petitioner's Name JOHN & KIM BARE

Telephone 410 833 0302

Posting Date: 7/4/99

Closing Date: 7/19/99

Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (POOL HOUSE)
A 21 FOOT
IN SIDE YARD WITH PROPOSED HEIGHT IN LIEU OF REAR YARD WITH
A 15 FT. HEIGHT.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 523

Petitioner: John H. Bare

Address or Location: 12521 Ivy Mill Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: John H. Bare

Address: 12521 Ivy Mill Rd.

Reisterstown, MD 21136

Telephone Number: 410 833-0392

Revised 2/20/98 - SCJ

99-523A

7/19
AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 12, 1999

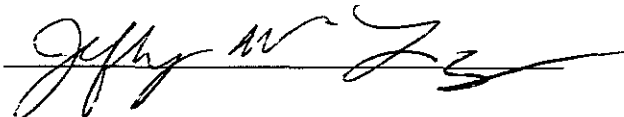
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 507, 510, 511, 512, 513, 515, 518, 521, 522, and 523

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

IN

Plat to accompany Petition

PROPERTY ADDRESS: 12521 Ivy Mill Rd

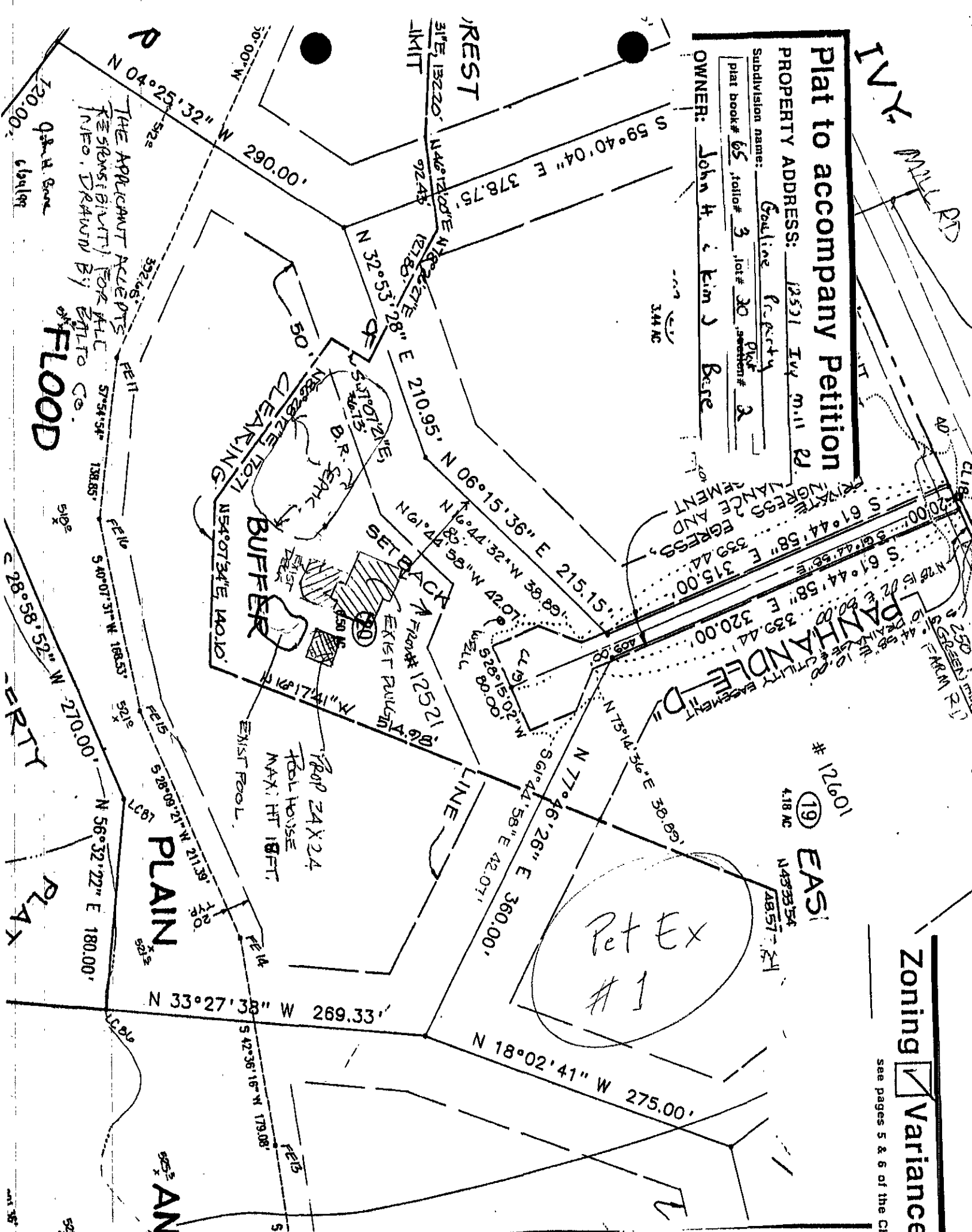
Subdivision name: Goaline Property

plat book # 65, folio # 3, lot # 30, section # 2

OWNER: John H. & Kim J. Bare

Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

T=200' scale map#: NW 14 L

Zoning: R.C. 4

Lot size: 4.50 acreage square feet

SEWER: ☐ PUBLIC ☒ PRIVATE
WATER: ☐ PUBLIC ☒ PRIVATE
Chesapeake Bay Critical Area: ☐ YES ☒ NO
Prior Zoning Hearings: ☐

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

7L 6-11-23-11

SCALE 1" = 100'

(SHEET NW 17-L)

Zoning Map

R.C. 4

R.C. 4

R.C. 4

R.C. 4

99.523-A

NW 16 L

523

KEYSERS

MILL

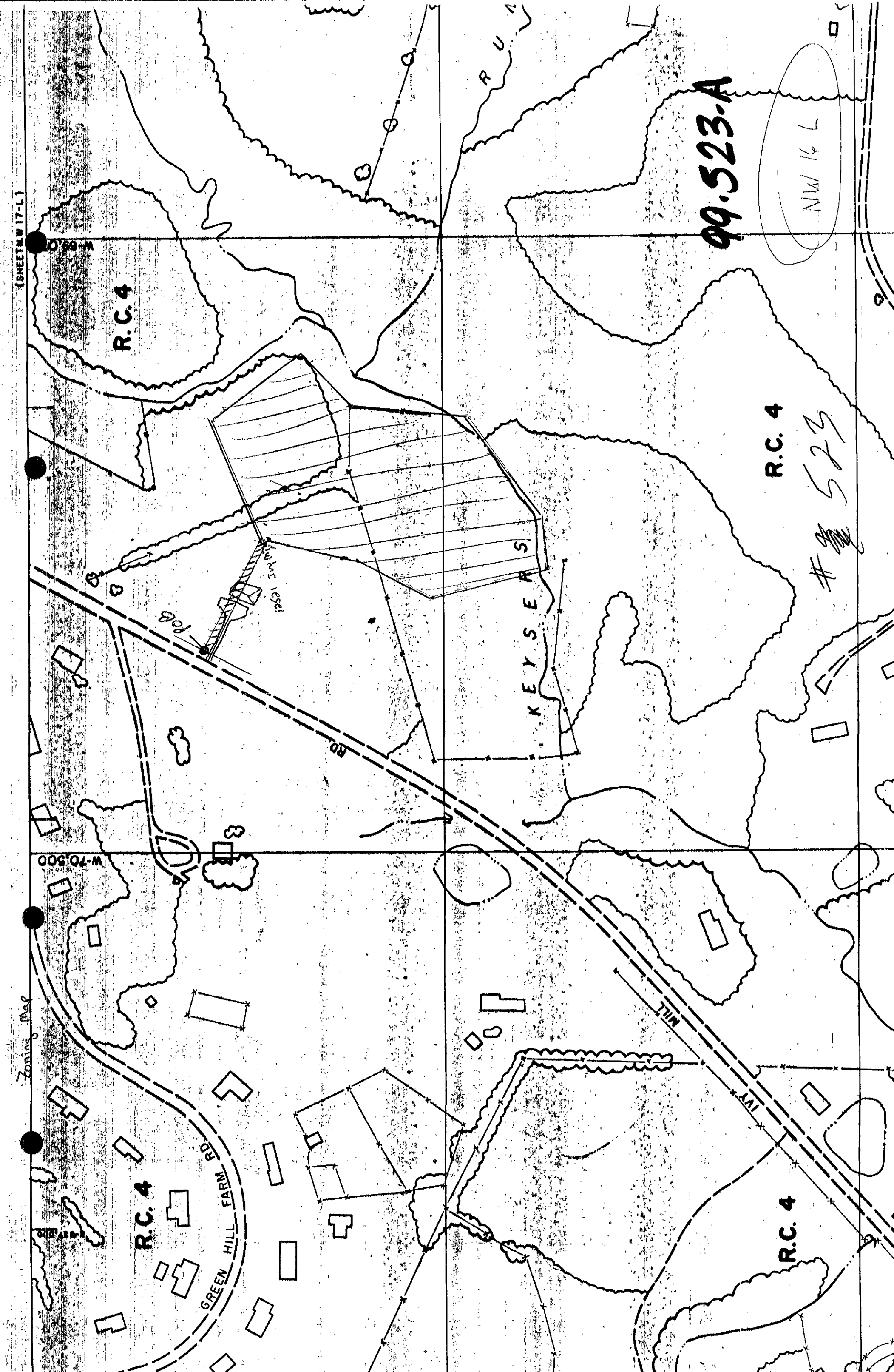
GREEN HILL FARM

P U A

0-69-A

W-70.500

000-000

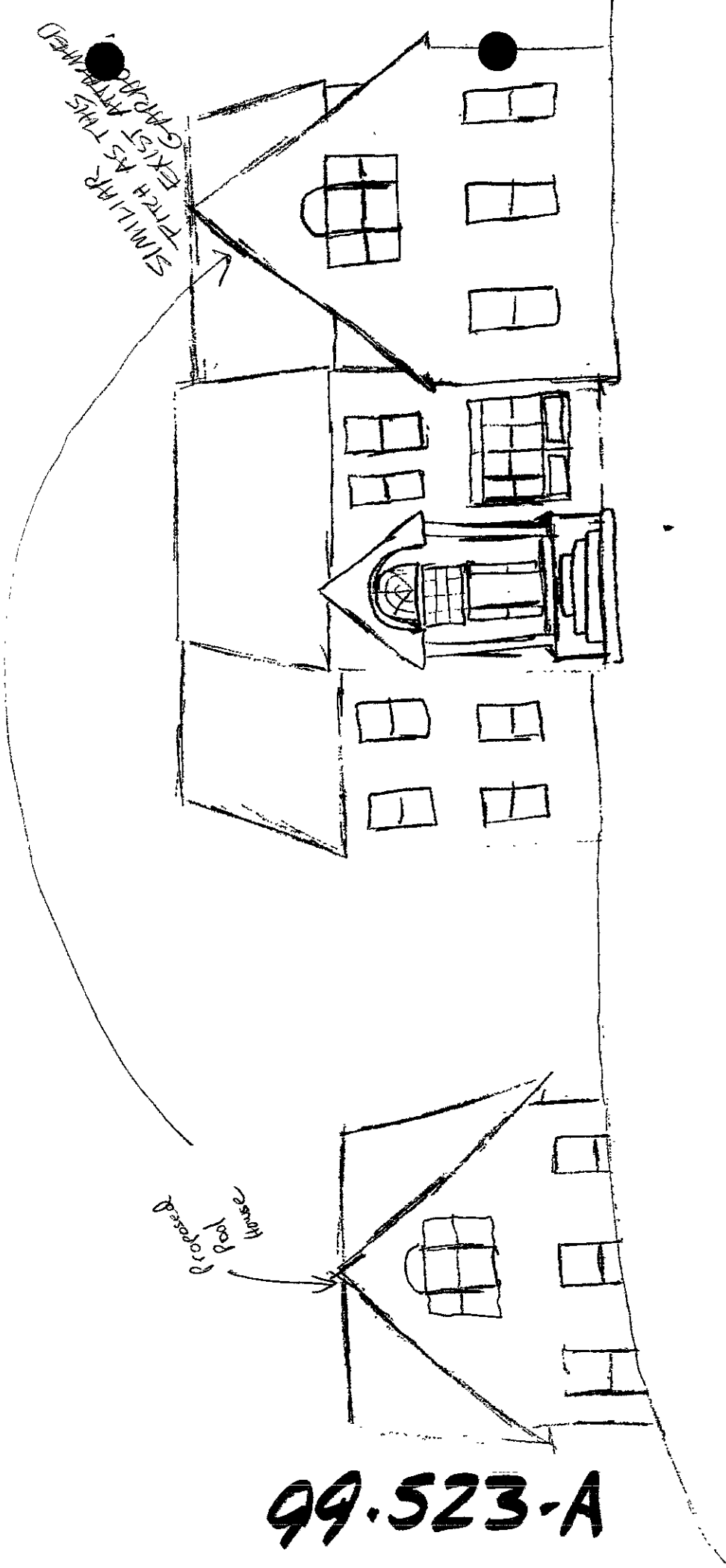


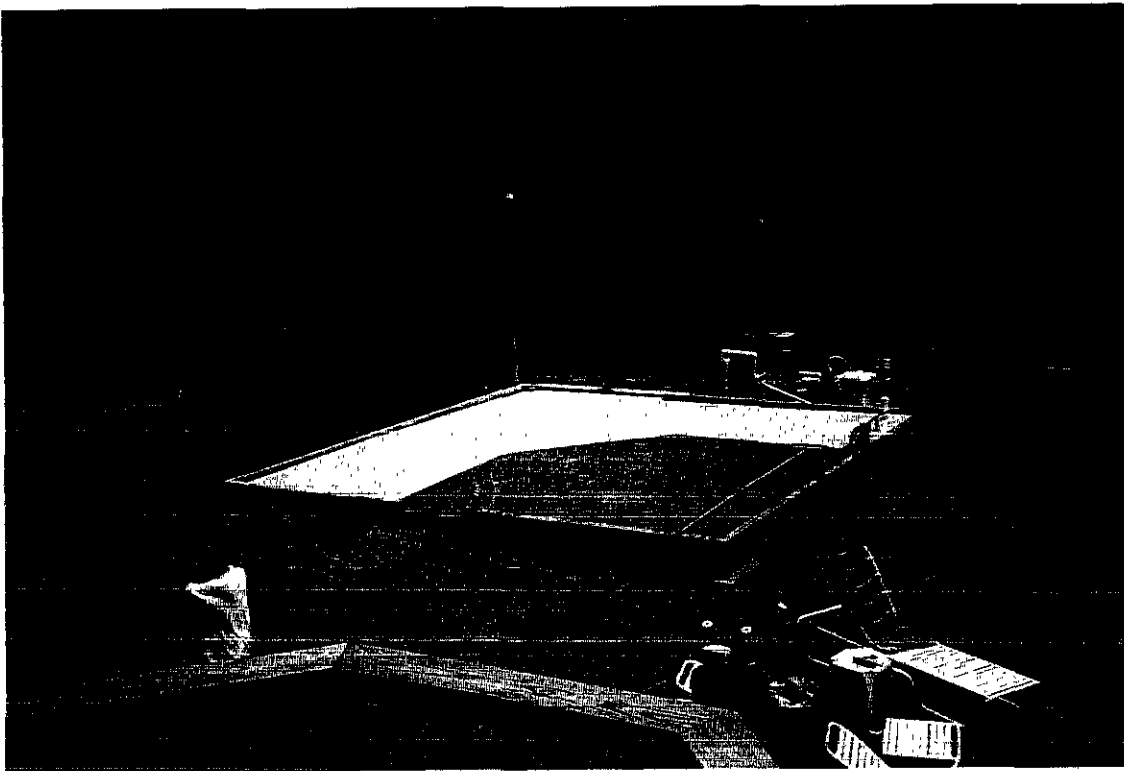
523

SIMILAR
FTRH AS THE
EXIST. ATTACHED
GARAGE

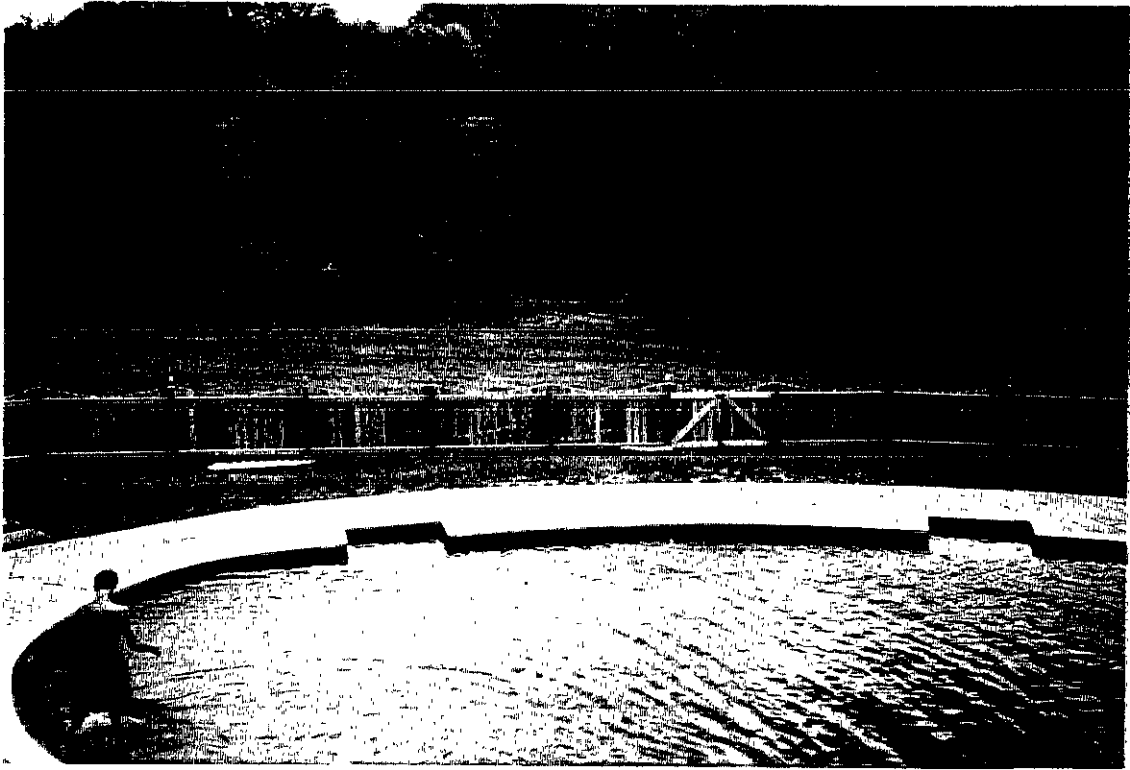
Proposed
Pool
House

99.523-A

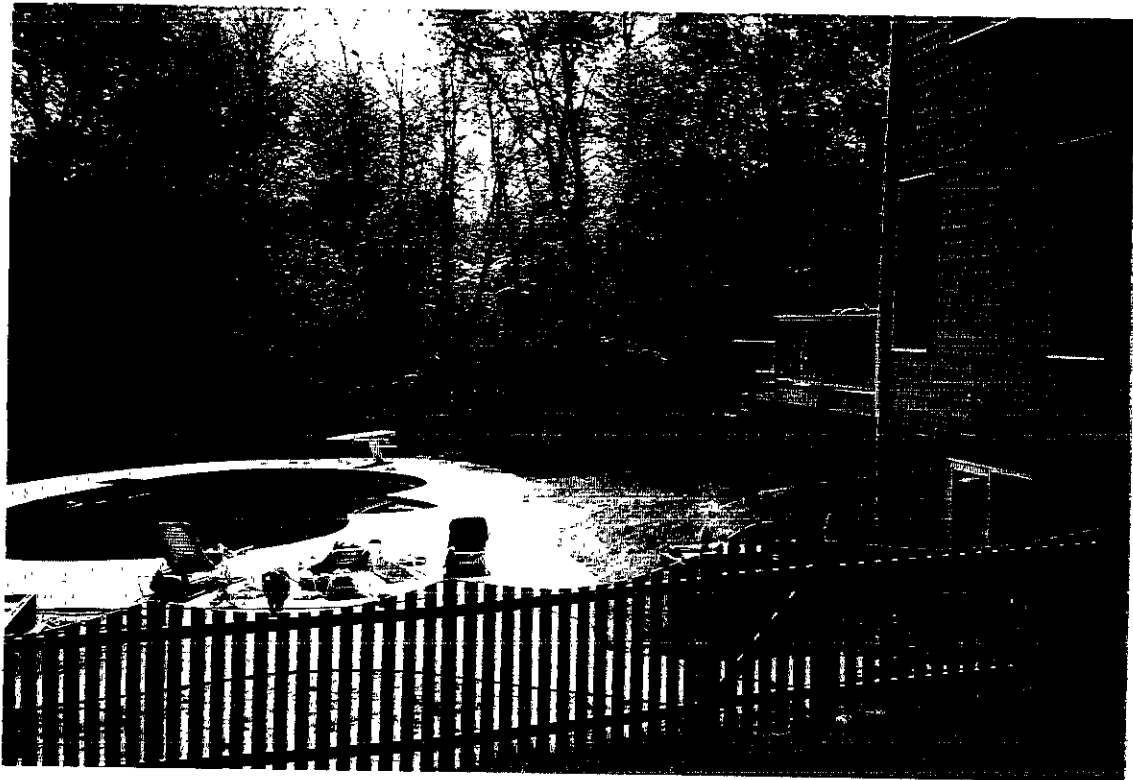




99-523-A



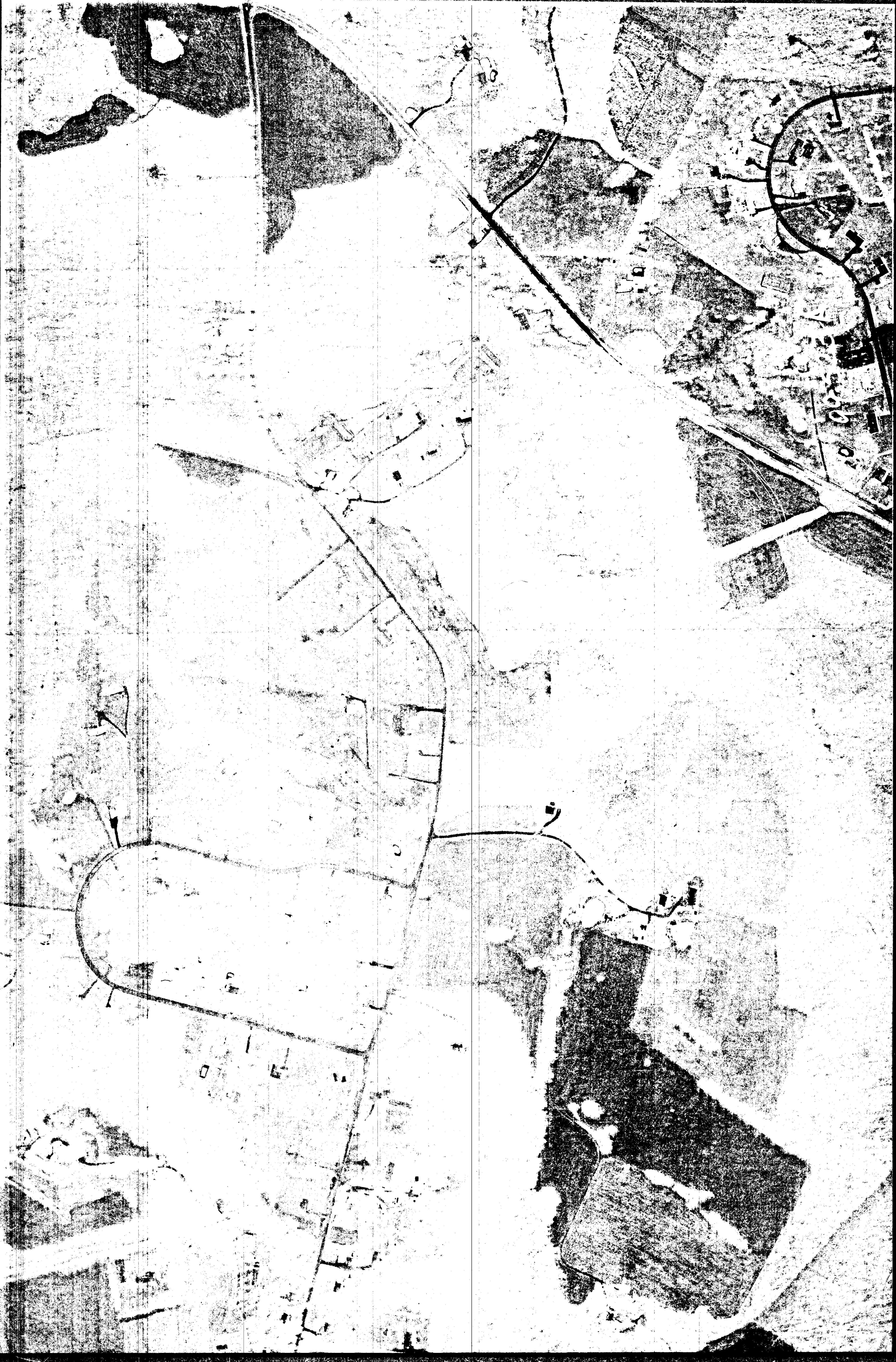
99.523-A



99.523-A



99.523.A



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
WEST OF
REISTERSTOWN

SHEET
N.W.
16-L